

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 11-cr-00354-REB

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. KEVIN BARRY MCAULEY,
a/k/a Michael Gabriel Hoverty,
a/k/a Keith Christopher Morony,
a/k/a Kevin Loughrin,
a/k/a Steven Maloney,
a/k/a Patrick Roche,

Defendant.

**INDICTMENT
Title 18 U.S.C. § 922(g)(5)
Alien in Possession of Ammunition
Title 8 U.S.C. § 1326(a)
Illegal Re-entry**

The Grand Jury charges:

Count 1

On or about August 17, 2011, in the State and District of Colorado, the defendant, KEVIN BARRY MCAULEY a/k/a Michael Gabriel Hoverty, Keith Christopher Morony, Kevin Loughrin, Steven Maloney, Patrick Roche, knowingly possessed ammunition, that is a box of fifty rounds of Winchester .40 caliber ammunition, which had been transported in interstate and foreign commerce, while being an alien who was illegally and unlawfully in the United States.

In violation of Title 18, United States Code, Section 922(g)(5).

Count 2

On or about August 17, 2011, KEVIN BARRY MCAULEY a/k/a Michael Gabriel Hoverty, Keith Christopher Morony, Kevin Loughrin, Steven Maloney, Patrick Roche, an alien (a person who is not a citizen or national of the United States), was found in the State and District of Colorado without having the express consent of the Attorney General and/or any statutorily authorized official for reapplication for admission to the United States, after previously having been excluded, deported, and removed from the United States on or about February 27, 2006.

In violation of Title 8, United States Code, Section 1326(a).

A TRUE BILL

Ink signature on file in the Clerk's Office
FOREPERSON

JOHN F. WALSH
United States Attorney

s/ John M. Canedy
John M. Canedy
Special Assistant United States Attorney
United States Attorney's Office
1225 17th Street, Suite 700
Denver, Colorado 80202
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DEFENDANT: KEVIN BARRY MCAULEY,
a/k/a Michael Gabriel Hoerty,
a/k/a Keith Christopher Morony,
a/k/a Kevin Loughrin,
a/k/a Steven Maloney,
a/k/a Patrick Roche

YOB: 1965

ADDRESS: ICE/GEO contract detention facility in Aurora, CO

COMPLAINT FILED? _____ YES ___X___ NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? NO

OFFENSE:

Count 1: Alien in possession of ammunition, 18 U.S.C. § 922(g)(5)

Count 2: Illegal Re-entry, 8 USC § 1326(a)

LOCATION OF OFFENSE: Denver County, Colorado

PENALTY: Count 1: NMT 10 years imprisonment, up to a \$250,000 fine or both, NMT 3 years and NLT 2 years supervised release, and a \$100.00 special assessment fee.

Count 2: NMT 2 years imprisonment, up to a \$250,000 fine or both, NMT 1 year supervised release and a \$100.00 special assessment fee.

AGENT: Nick Fowler, DHS-ICE

AUTHORIZED BY: John M. Canedy, SAUSA

ESTIMATED TIME OF TRIAL:

X five days or less
_____ over five days

THE GOVERNMENT

 X will seek detention in this case

 will not seek detention in this case

The statutory presumption of detention is applicable to this defendant.

OCDETF CASE: Yes X No